

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY O'CONNOR and CAROLYN
O'CONNOR,

Plaintiffs,

v.

SYNGENTA AG, SYNGENTA CROP
PROTECTION LLC, CHEVRON U.S.A., INC. and
DOES 1 through 60 inclusive,

Defendants.

Civil Action No. 4:21-cv-02495

The Honorable Haywood S. Gilliam
Jr.

**JOINT STIPULATION AND MOTION FOR STAY
PENDING POTENTIAL TRANSFER OF THIS ACTION BY THE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION; ORDER THEREON**

Plaintiffs and Syngenta Crop Protection, LLC (“Syngenta”) respectfully submit this joint stipulation and motion in order to request the relief described as follows:

WHEREAS, Plaintiffs initiated this action on April 7, 2021, *see* Dkt. #1, and served Syngenta on April 13, 2021;

WHEREAS, the Judicial Panel on Multidistrict Litigation (“JPML”) is currently considering a petition to transfer this and other cases into federal Multidistrict Litigation (“MDL”) for coordinated or consolidated proceedings under 28 U.S.C. § 1407, and has scheduled the matter for its May 27, 2021 hearing session, *see In re Paraquat Prod. Liab. Litig.*, MDL No. 3004 (J.P.M.L. Apr. 15, 2021), ECF No. 17;

WHEREAS, Plaintiffs and Syngenta agree that a stay pending potential MDL transfer will help ensure efficiency and judicial economy given the potential transfer of this matter in an MDL proceeding;

WHEREAS, this Court has the inherent power to grant a stay, *see Landis v. No. Am. Co.*, 299 U.S. 248, 254–55 (1936); and

WHEREAS, courts routinely stay cases pending a JPML decision in order to conserve party and judicial resources and avoid inconsistent results, *see, e.g., JBR, Inc. v. Keurig Green Mountain, Inc.*, No. 2:14-cv-00677, 2014 WL 1767701, at *3 (E.D. Cal. May 2, 2014) (“[T]his court’s investment of resources would be a waste of judicial resources . . . [J]udicial economy . . . weighs in favor of a stay.”); *Franklin v. Prospect Mortg., LLC*, No. 2:13-cv-00790, 2013 WL 6423389, at *2 (E.D. Cal. Dec. 9, 2013) (“[A] stay would promote judicial economy and efficiency by preventing any possible duplicative efforts by this Court.”); *Palmer v. Am. Honda Motor Co., Inc.*, No. CV 07–1904, 2008 WL 54914, *1 (D. Ariz. Jan. 3, 2008) (“The Court concludes that this matter should be stayed pending a decision on MDL transfer. A stay will conserve judicial resources by avoiding duplicative litigation in the . . . districts now considering similar actions.”); *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (“The purpose of such transfers is to further judicial economy and to eliminate the potential for conflicting pretrial rulings . . . Courts frequently grant stays pending a decision by the MDL panel[.]”); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997) (“If this case is consolidated with the other cases . . . this Court will have needlessly expended its energies familiarizing itself with the intricacies of a case that would be heard by another judge . . . [A] majority of courts have concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with the MDL Panel.”);

WHEREUPON, Plaintiffs and Syngenta jointly request entry of an order providing that this case, including the deadline for responsive pleadings, is stayed pending the potential transfer of this case by the Judicial Panel on Multidistrict Litigation.

April 26, 2021

THE MILLER FIRM, LLC

/s/ Curtis G Hoke

Curtis G. Hoke (SBN 282465)
THE MILLER FIRM, LLC
108 Railroad Avenue
Orange, Virginia 22960
Tel: (540) 672-4224
Fax: (540) 672-3055
Email: choke@millerfirmllc.com
Counsel for Plaintiffs

Respectfully submitted,

GORDON REES SCULLY MANSUKHANI

/s/ Don Willenburg

Don Willenburg
GORDON REES SCULLY MANSUKHANI
1111 Broadway, Suite 1700
Oakland, CA 94607
Tel: (510) 463-8688
Fax: (510) 984-1721
Email: dwillenburg@grsm.com

Counsel for Syngenta Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

So ordered this 4th day of April 2021.



Honorable Haywood S. Gilliam Jr.
UNITED STATES DISTRICT JUDGE